

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Civil No. 08-cv-181-SM

\$6,700 U.S. Currency,
More or Less, Seized
From Edward Gillespe,

NOTICE OF RULING

Re: (Document No. 10) Motion to Strike Claim

Ruling: Granted in part and denied in part.

Claimant, acting pro se, has filed what appears to be a timely claim, but it is unsworn. The applicable procedural rules require the claim to be verified (that is, "signed by the claimant under the penalties of perjury"). Rule 5G(5)(a)(i)(C), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. Given the complexities of asset forfeiture proceedings and claimant's pro se status, and the traditional admiralty view that libels and procedural practices should be construed liberally, as well as the court's discretion to grant additional time for the filing of a claim or other critical pleading "so that to the greatest extent possible controversies are decided on the merits," claimant will be permitted to file a verified claim (i.e., under the penalties of perjury), within 15 days of the date of this order. One Urban Lot Located at 1 Street A-1, 885 F.2d, 994, 1001 (1st Cir. 1989).

Claimant is reminded, however, that a verified complaint is required for the very purpose of preventing false claims, by exposing a false claimant to prosecution. It is perhaps worth noting that claimant suggests that the funds at issue, taken from a man who admitted that the funds were his and were related to drug dealing activity, were in fact obtained from claimant's mother and represent both wages for carpentry work done by the man who admitted otherwise, and an investment of sorts in a clothing design project. Claimant supports her suggestion with a redacted bank statement belonging to her mother and relating to February of 2008, which merely shows a deposit into that account of just over \$5,000 - i.e., the document does not indicate the

source of the deposited funds, nor does it disclose a disbursement from claimant's mother to either the claimant or to the man who has admitted the seized funds were related to illegal drug activity.

Should claimant decline to file a verified claim as allowed, the unsworn claim will be stricken.

Additionally, claimant should note that an answer to the forfeiture complaint must be filed within 20 days after the verified claim is filed.

Entered by: Steven J. McAuliffe, Chief Judge

Date: September 10, 2008

cc: Seth R. Aframe, Esq.